



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,741	06/13/2000	Theresa M. Gosko	DC-02493	7322
33438	7590	10/11/2007	EXAMINER	
HAMILTON & TERRILE, LLP			ADE, OGER GARCIA	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			10/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltontertile.com  
seaton@hamiltontertile.com  
tmunoz@hamiltontertile.com

<b>Office Action Summary</b>	Application No. 09/592,741	Applicant(s) GOSKO, THERESA M.	
	Examiner Garcia Ade	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9 and 30-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on July 16<sup>th</sup>, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Cited references.
2. Applicants amended claim 1, and cancelled claims 3, and 10-29. Claims 1, 2, 4-9, and 30-39 are pending.

### ***Claim Rejections - 35 USC §103***

3. The following is a quotation of 35 U.S.C. §103(a), which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4 - 9, and 30 - 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. 6,055,516)("Johnson '516"), and further in view of Lin et al. [US 6,052,785].

**As per claims 1, 2, 4 - 9, and 30 - 39**, Johnson discloses a catalog header record portion storing catalog header record data, the catalog header portion being stored on the computer readable media [see figure 1A (e.g. block 44D); a system identification portion storing system identification data [see abstract (such as product identification and descriptive information)], the system identification portion being stored on the computer readable media [see 4<sup>th</sup> paragraph of the summary section of the invention (e.g. the system includes a computer that

Art Unit: 3627

maintains a catalog database of data including product information (***such as product identification information***)), the system identification data including a system type element, the system type element indicating whether a system is one of a bundled system and a custom system [see column 9, lines 34 – 55 (e.g. ***Search Input screen*** shown in Appendix VII .... typically collected in a memory location for rapid viewing, printing or other use)], the system type element allowing the customer to determine whether the system is a bundled system or a custom system during the automated order entry process [via customize ***search program 50***]; and a system option record portion storing system option record data, the system option record portion being stored on the computer readable media [see column 12, lines 15 – 28 (e.g. Using the Search screen, a user can search catalog database 36 by page, text description, part number (where the user has the further option to search by Fisher part number))].

Johnson does not explicitly disclose a computer readable medium in combination with a computer program. However, Lin discloses a computer readable medium in combination with a computer program [see summary of the invention and claim 19 (e.g. computer program product having a computer readable medium having computer program logic recorded)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Johnson to include a computer readable medium in combination with a computer program. Such a modification would have disclosed the normal and usual operation of Johnson computer program, and would also provide a system, method and computer program product

enabling client authentication with a server and single authentication of the client to a remote data repository, including distributed file system, database manager or transaction management system [see summary of the invention].

### ***Response to Arguments***

5. Applicant's arguments filed on July 16<sup>th</sup>, 2007 have been fully considered but they are not persuasive.

Applicant argues that Johnson does not disclose or suggest "providing a catalog from a manufacturer to a customer to enable a customer to perform an automated order entry process, much less such a computer program which comprises a system identification portion storing system identification data, the system identification data including a system type element, the system type element indicating whether a system is one of a bundled system and a custom system, the system type element allowing the customer to determine whether the system is a bundled system or a custom system". The Examiner respectfully disagrees. Johnson discloses an electronic sourcing system from a manufacturer to a customer, which includes a computer program, which maintains a catalog database of data including product information (such as product identification and descriptive information) relating to catalog items available from vendor product catalogs, and a means for building (generating) a requisition including at least one requisitioned item. Johnson further discloses a Local computer 20 that is also preferably runs Shell program 52, which operates under search program 50 and is used to **customize** search program 50 to generate Order Lists 48 (shown in figure

1C) with particular fields of formatted data about the items selected using search program 50. In Johnson the information at least partially identifying an item desired to be requisitioned is entered by a user, and utilized by a means for searching the database for catalog items matching that information and for selecting at least one catalog item located as a result of the search.

Applicant further argues that Johnson and Lin, taken alone or in combination, do not teach or suggest a "computer program where the computer program is encoded to enable a customer to perform an automated order entry process". The Examiner respectfully disagrees. Johnson discloses an electronic sourcing system 5 or computer program (see figure 1A) that can be automatically started to enable a customer to perform an automated order entry process.

Therefore, Applicant's arguments are deemed nonpersuasive.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571.272.6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/592,741

Page 7

Art Unit: 3627

Garcia Ade

Examiner

Art Unit 3627

ga

Andrew Joseph Rudy

Primary Examiner, AU 3627